



UNITED STATES PATENT AND TRADEMARK OFFICE

United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,157	12/06/2000	David A. Salgado	XER 2 0378 D/A0604	8523

7590 11/27/2007
Albert P. Sharpe, III, Esq.
Fay, Sharpe, Fagan
Minnich & McKee, LLP
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2518

EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
11/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/731,157	SALGADO, DAVID A.
	Examiner	Art Unit
	Michael Burleson	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 April 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,7,9,11-15 and 18-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 20 and 21 is/are allowed.
 6) Claim(s) 1-3,7,9,11-15 and 18-19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04/12/2007 have been fully considered but they are not persuasive.
2. Regarding claim 1,12-15, Applicant states that the reference of Nishii does not suggest removing blank pages from main print job image input data (Applicant's remarks pages 6-7 and 10-12). Examiner disagrees with Applicant. Applicant states that the trial printing mode and normal print mode are not same and that blank pages are not removed in the normal print mode (remarks pages 6-7 and 10-12). Nishii states in the abstract that "a trial print mode in which the input image data are processed into minified images on fewer pages of the paper for trial output such that a user can check an output result to be obtained in the normal mode beforehand" and "an image corresponding to the blank page detected by the blank page detector is not formed" (abstract, lines 3-7 and 15-17). This means that the trial mode is used to detect and erase or does not form the blank pages before the input data is printed using the normal print mode. Applicant states that Nishii does not disclose that blank pages removed from trial print mode data are removed from normal print mode, the abstract of Nishii clearly states, " a trial print mode in which the input image data are processed into minified images on fewer pages of the paper for trial output such that a user can check an output result to be obtained in the normal mode beforehand". If the blank page is

detected before normal print mode in the trial mode, then that means to the Examiner that the blank page will not be formed in the normal print mode.

3. Regarding claim 3, Applicant states that Nishii does not suggest requesting permission from a user to remove an identified page (remarks pages 7). Examiner does not agree with Applicant. Applicant states a printer not operating until a command is given does not disclose or suggest a system requesting permission to perform an operation (remarks page 8). The printer (2) provides a control panel (3) in which various modes can be selected (column 5,lines 1-10). If no key on the control panel (3) is activated, then no operation will be performed. Thus a request to perform an operation is provided by choosing a mode of operation, based on the various modes on the control panel (3).

4. Regarding claims 2,9,11 and 19, Applicant states that the reference of Toru does not suggest notifying an operator that an unwanted portion has been located, but instead notifies the operator of some problem with the input image data (remarks page 8 and 12-13). Examiner disagrees with Applicant. Again, Examiner directs Applicant to the teaching of Toru that notifies a user of an invalid manuscript being a blank paper (page 3, paragraph 0028). Since Toru notifies a user of a blank page burden has been met by the office for *prima facie* obviousness. Applicant states that the reference of Motoyama does not disclose using pattern recognition techniques to search for matching characteristics (remarks page 13-14). Examiner disagrees with Applicant. Applicant states that Motoyama does not search for any other arbitrary description (remarks page 13). The black dot comparator (142) that compares the dots in the

image data signal (126) (column 6,lines 43-64). Motoyama also detects non-blank pages (column 7,lines 14-30). This reads on other arbitrary description, which Applicant states Motoyama fails to suggest. Motoyama compares dots in an image, which, in essence, is a pattern. Contrary to remarks made by Examiner on March 17, 2006, the fact that Motoyama compares dots of an image, which is a pattern, this can be considered a pattern recognition technique.

5. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3,6,7,12-15 and 17-19 rejected under 35 U.S.C. 102(e) as being anticipated by Nishii US 6501556.

1. Regarding claim 1, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5, lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted page in an input stream of a main print job from an output stream of the main print job by establishing a characteristic of a page indicative of an unwanted page and monitoring the input stream to detect data representative of the characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on identifying one or more pages of the printing system job that contain data

representative of the characteristic and removing the identified pages, thereby excluding them from the main print job output stream.

2. Regarding claim 3, Nishii teaches that the printer (2) receives commands from a user, in which case, a user can input the type of page to be removed (column 5,lines 1-5), which reads on requesting permission from a user to remove the identified pages.

3. Regarding claim 7, Nishii teaches of a blank page output mode (5) (column 6,lines 1-5), which reads on describing characteristics of a non-blank separator sheet.

4. Regarding claim 12, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a main job from a main job output stream of a printing system by describing characteristics of the unwanted portions of the job and searching within input image data for portions of the job that have the described characteristic.

Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the main job input image data that has the described characteristics and deleting the located portion from the main job input data to generate output data and delivering the output data to the main job output stream.

1. Regarding claim 13, Nishii teaches of interpreting section (9). The interpreting section (9) receives input data and interprets the input data as a blank page or graphic

data (figures 2 and 5 and column 6, lines 55-67 to column 7, lines 1-25). He also teaches that once the blank page is detected, the interpreting section (9) deletes the blank page (column 6, lines 55-67, column 7, lines 1-5, figure 5). This reads on a printing system operative to automatically remove unwanted portions of main job input image data, the printing system comprising: a pattern detector operative to receive an arbitrary description of an unwanted portion of the main job input image data, search for a portion of the main print job input image data that corresponds to the unwanted portion description, and relate information about a found portion that corresponds to the description; and a portion deleter operative to receive information from the pattern detector regarding a location of the at least one unwanted portion of the main job input image data and to remove the at least one unwanted portion of the main job input image data to generate main print job output image data.

5. Regarding claim 14, Nishii teaches that the output image data is sent to a page buffer (17) and is then sent to the printing section (18) for printing (column 5, lines 54-55 and figure 2), which reads on an image destination operative to receive the main print job output image data and at least one of, transmit the main print job output image data to another device and generate hard copy corresponding to the main print job output image data.

6. Regarding claim 15, Nishii teaches of a blank page output mode key (5) for detecting a blank page (column 5, lines 3-6), which reads on a default settings repository operative to store and make available to the pattern detector at least one of, a default unwanted portion description and processing procedure information.

7. Regarding claim 18, Nishii teaches any image forming apparatus can be used (column 4,lines 44-51), which reads on the image destination comprises a xerographic printer.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii US 6501556 in view of Nakajima Toru JP 07-307827.

10. Regarding claim 2, Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page (column 2, lines 24-28,column 6, lines 66-67, column 7, lines 1-4 and figure 5), which reads on a method operative to automatically exclude a blank page in an input stream of a printing system job from an output stream of the printing system job, the method comprising the steps of detecting data representative of a blank page in the input stream and deleting the data representative of the blank page from the input stream, thereby excluding the blank page from the output stream.

11. Nishii fails to teach of notifying an operator of detected data representative of the characteristic.

12. Nakajima Toru teaches of an advice means that notifies the user of a blank paper (paragraph 0011), which reads on notifying an operator of detected data representative of the characteristic.

13. Nishii could have easily been modified with the advice means of Nakajima Toru. This modification would have been obvious to one skilled in the art at the time of the invention to notify the user of the characteristic when it is detected.

14. Regarding claim 11, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5, lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a job from an output stream of a printing system by describing characteristics of the unwanted portions of the job and searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the input image data that has the described characteristics. Nishii teaches that the printer (2) receives commands from a user, in which case, a user can input the type of page to be removed (column 5, lines 1-5), which reads on accepting one of an authorization and a prohibition form the operator to remove the unwanted portion.

15. Nishii fails to teach of notifying an operator that an unwanted portion has been located.

16. Nakajima Toru teaches of an advice means that notifies the user of a blank paper (paragraph 0011), which reads on notifying an operator that an unwanted portion has been located.

17. Nishii could have easily been modified with the advice means of Nakajima Toru. This modification would have been obvious to one skilled in the art at the time of the invention to notify the user of the characteristic when it is detected.

18. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii US 6501556 in view of Motoyama US 5550614.

19. Regarding claim 9, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5, lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a job from an output stream of a printing system by describing characteristics of the unwanted portions of the job and searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints

the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the input image data that has the described characteristics and deleting the located portion from the input data to generate output data and delivering the output data to the output stream.

20. Nishii fails to teach of searching within input image data comprises using pattern recognition techniques to search for matching characteristics.

21. Motoyama teaches of scanning a page to generate digital page data and comparing the digital page data to a black spot threshold (column 2, lines 38-40), which reads on the step of searching within input image data comprises using pattern recognition techniques to search for matching characteristics.

Nishii could have easily been modified to scan a page and compare a digital page data to a black spot threshold of Motoyama. This modification would have been obvious to one skilled in the art at the time of the invention to determine if a page contains unwanted pages or portions.

22. Regarding claim 19, Motoyama teaches of a fax/telephone processor (column 4, lines 33-40), which reads on the image destination comprises a facsimile modem.

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

1. Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached at (571) 272-7404.

KA Williams
KIMBERLY WILLIAMS
PRIMARY PATENT EXAMINER

Michael Burleson
Patent Examiner
Art Unit 2626

MB

Application/Control Number:
09/731,157
Art Unit: 2625

Page 13

Mlb
November 26, 2007